

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 080306.57395US	
INTERNATIONAL APPLICATION NO. PCT/JP2004/12759		INTERNATIONAL FILING DATE August 27, 2004	
PRIORITY DATE CLAIMED August 28, 2003		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/569,490	
TITLE OF INVENTION ENGINE LAG DOWN SUPPRESSING DEVICE OF CONSTRUCTION MACHINERY			
APPLICANT(S) FOR DO/EO/US Yoichi KOWATARI			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
1.	<input type="checkbox"/>	This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.	
2.	<input checked="" type="checkbox"/>	This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.	
3.	<input checked="" type="checkbox"/>	This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.	
4.	<input checked="" type="checkbox"/>	The US has been elected (Article 31).	
5.	<input type="checkbox"/>	A copy of the International Application as filed (35 U.S.C. 371(c)(2))	
	a. <input type="checkbox"/>	is attached hereto (required only if not communicated by the International Bureau).	
	b. <input type="checkbox"/>	has been communicated by the International Bureau.	
	c. <input type="checkbox"/>	Is not required, as the application was filed in the United States Receiving Office (RO/US).	
6.	<input type="checkbox"/>	An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).	
	a. <input type="checkbox"/>	is attached hereto.	
	b. <input type="checkbox"/>	has been previously submitted under 35 U.S.C. 154(d)(4).	
7.	<input type="checkbox"/>	Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))	
	a. <input type="checkbox"/>	are attached hereto (required only if not communicated by the International Bureau).	
	b. <input type="checkbox"/>	have been communicated by the International Bureau.	
	c. <input type="checkbox"/>	have not been made; however, the time limit for making such amendments has NOT expired.	
	d. <input type="checkbox"/>	have not been made and will not be made.	
8.	<input type="checkbox"/>	An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).	
9.	<input checked="" type="checkbox"/>	An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (Two (2) pages).	
10.	<input type="checkbox"/>	An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).	
Items 11 to 20 below concern document(s) or information included:			
11.	<input type="checkbox"/>	An Information Disclosure Statement under 37 CFR 1.97 and 1.98.	
12.	<input type="checkbox"/>	An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.	
13.	<input type="checkbox"/>	A preliminary amendment.	
14.	<input type="checkbox"/>	An Application Data Sheet under 37 CFR 1.76.	
15.	<input type="checkbox"/>	A substitute specification.	
16.	<input type="checkbox"/>	A power of attorney and/or change of address letter.	
17.	<input type="checkbox"/>	A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.	
18.	<input type="checkbox"/>	A second copy of the published International Application under 35 U.S.C. 154(d)(4).	
19.	<input type="checkbox"/>	A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).	

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <p style="text-align: center;">10/569,490</p>	INTERNATIONAL APPLICATION NO. <p style="text-align: center;">PCT/JP2004/12759</p>	ATTORNEY'S DOCKET NUMBER <p style="text-align: center;">080306.57395US</p>
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20. ☒ Other items or information: A copy of the Notification of Missing Requirements dated March 20, 2008.

The following fees have been submitted	CALCULATIONS	PTO USE ONLY																
21. <input type="checkbox"/> Basic national fee (37 C.F.R. §1.492(a)) \$310.00	\$																	
22. <input type="checkbox"/> Examination fee (37 C.F.R. §1.492(c))																		
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0.00																		
All other situations \$210.00	\$																	
23. <input type="checkbox"/> Search fee (37 C.F.R. §1.492(b))																		
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0																		
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100																		
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$410																		
All other situations \$510	\$																	
TOTAL OF 21, 22 AND 23 =	\$																	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing filed in an electronic medium) (37 CFR 1.492(j)). The fee is \$260 for each additional 50 sheets of paper or fraction thereof.																		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">Total Sheets</th> <th style="width: 20%;">Extra Sheets</th> <th style="width: 40%;">Number of each additional 50 or fraction thereof (round up to a whole number)</th> <th style="width: 20%;">RATE</th> </tr> <tr> <td style="text-align: center;">- 100</td> <td style="text-align: center;">/ 50 =</td> <td></td> <td style="text-align: center;">x 260</td> </tr> </table>	Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	- 100	/ 50 =		x 260	\$									
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE															
- 100	/ 50 =		x 260															
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).	\$																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> </tr> <tr> <td>Total claims</td> <td style="text-align: center;">- 20</td> <td></td> <td style="text-align: center;">x 50</td> </tr> <tr> <td>Independent claims</td> <td style="text-align: center;">- 3</td> <td></td> <td style="text-align: center;">x 210</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td style="text-align: center;">+ 370</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	- 20		x 50	Independent claims	- 3		x 210	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 370	\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE															
Total claims	- 20		x 50															
Independent claims	- 3		x 210															
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 370															
TOTAL OF ABOVE CALCULATIONS =	\$																	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.																		
SUBTOTAL =	\$																	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). +	\$																	
TOTAL NATIONAL FEE =	\$																	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +	\$																	
TOTAL FEES ENCLOSED =	\$																	
	Amount to be refunded:	\$																
	Amount to be charged:	\$																

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. **05-1323 (Attorney Docket No. 080306.57395US)** in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **05-1323 (Attorney Docket No. 080306.57395US)**. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

ADVISORY: If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is not recommended and by doing so your credit card information may be displayed via PAIR. To protect your information, it is recommended paying fees online by using the electronic payment method.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Crowell & Moring, LLP
Intellectual Property Group
P.O. Box 14300
Washington, D.C. 20044-4300
Tel. No. (202) 624-2500
Fax No. (202) 628-8844



SIGNATURE

Jeffrey D. Sanok / Cameron W. Beddard

NAME

32,169/ 46,545

REGISTRATION NUMBER

May 16, 2008

DATE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/569,490	Yoichi Kowatari	080306.57395US

23911
CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

INTERNATIONAL APPLICATION NO.	
PCT/JP04/12759	
I.A. FILING DATE	PRIORITY DATE
08/27/2004	08/28/2003

CONFIRMATION NO. 3451
371 FORMALITIES LETTER



OC000000028964296

Date Mailed: 03/20/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Priority Document
- Copy of the International Application filed on 02/27/2006
- Copy of the International Search Report filed on 02/27/2006
- Information Disclosure Statements filed on 02/27/2006
- Request for Immediate Examination filed on 02/27/2006
- U.S. Basic National Fees filed on 02/27/2006
- Non-English Language Application filed on 02/27/2006
- Specification filed on 02/27/2006
- Claims filed on 02/27/2006
- Abstracts filed on 02/27/2006
- Drawings filed on 02/27/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216